REJECTIONS UNDER 35 U.S.C. § 103

Claims 15-17, 20-22 and 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Han et al. "Mining Frequent Patterns without Candidate Generation: A Frequent-Pattern Tree Approach", *Data Mining and Knowledge* Discovery, pages 53-87 (hereinafter "Han") in view of Zaki et al. "Parallel Classification for Data Mining on Shared-memory Multiprocessors", pages 1-18 (hereinafter "Zaki").

Applicants respectfully contend that these claims are not rendered obvious by the cited references for at least the following reason: the references, alone and in combination, fail to disclose or suggest at least one feature of the invention as recited in the amended independent claims.

Applicants point out that independent claims 15 and 21 recite assigning, via a master processor, each branch of a FP-tree to one of a plurality of slave processors, each of the plurality of slave processors to execute transaction items identified by the respective branch, wherein the number of transactions to be executed by each of the plurality of slave processors is substantially equal, **the identified transaction items for each branch to be executed independently** (i.e., the transactions to be executed by one processor are ***independent*** from transactions to be executed by another processor).

The Examiner cites Han to disclose said transaction items that are to be executed independently, specifically page 66 of Han. Applicants point out that page 66 of Han discloses: "Since every item in each path *P is unique*, there is no redundant pattern to be generated with such a combinational generation."

Applicants point out that just because said items disclose by Han are ***unique***, that does not mean that said items are ***<u>independent</u>*** and may be executed independently by separate processors.

Nothing in Han discloses or suggests that transaction items (in an FP-tree branch) are capable of being executed independently. Applicants point out that Han included ***exactly one*** disclosure describing elements that may be executed independently, which appears on the bottom of page 66: "a single prefix path P, similar to the tree P in figure 4(b), and (2) the multipath part, Q, which can be viewed as *an independent FP-tree*." Thus, Applicants contend that while Han may disclose independent FP-trees, Han defines independent FP-trees as being ***unique*** FP-trees. Han does not disclose or suggest transaction items (in an FP-tree branch) that are capable of being executed independently.

Therefore, the Examiner's rejection is improper for failing to include a proper rejection of the independent claims, as set forth in case law cited in section 706.02(j) of the MPEP: "[t]o support the conclusion that the claimed invention is directed to obvious subject matter . . . the **references must expressly or impliedly suggest the claimed invention**." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

If the Examiner has interpreted the word "unique" to mean "independent," Applicants contend that such an interpretation is inconsistent with the plain meaning of the above words. For example, consider a first transaction consisting of: C=A+B; and a second transaction: "E=D/C." Applicants point out that the above transactions are unique, but are not independent (i.e., the result of the first transaction is needed for the second transaction)." The Federal Circuit has held that words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. See *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) and *Chef*

America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, (Fed. Cir. 2004) as cited in MPEP §

2111.01 — ordinary, simple English words whose meaning **is clear and unquestionable**, absent

any indication that their use in a particular context changes their meaning, are construed to mean

<u>exactly</u> what they say.

Zaki cannot be cited to cure the defects of Han, as Zaki contains no disclosures directed

towards assigning, via a master processor, each branch of a FP-tree to one of a plurality of slave

processors, each of the plurality of slave processors to execute transaction items identified by the

respective branch, wherein the number of transactions to be executed by each of the plurality of

slave processors is substantially equal, the identified transaction items for each branch to be

executed independently. Thus no combination of these references supports a rejection of

independent claims. Each of claims 16, 17, 20, 22 and 24-27 depends from one of the

independent claims discussed above. Per MPEP § 2143.03, claims that depend from nonobvious

independent claims are likewise nonobvious over the references.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: February 11, 2011   /Katherine R. Campbell/
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